

Introduced by Senator Morrow
(Coauthor: Assembly Member Mountjoy)

February 6, 2006

An act to amend Section 351 of, and to add Chapter 4 (commencing with Section 1630) to Part 5 of Division 4 of, the Family Code, relating to marital contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1228, as introduced, Morrow. Covenant marriage.

Existing law establishes the procedures by which parties to a marriage may seek a dissolution of the marriage or a legal separation. Existing law also governs marital agreements between a husband and wife.

This bill would enact the Covenant Marriage Act of 2006. The bill would establish procedures by which a couple may enter into a marital contract rejecting the right to a dissolution of marriage or a legal separation on grounds of irreconcilable differences, except in certain circumstances. The bill would require couples to receive marital counseling before entering into a covenant marriage and before divorcing.

Existing law requires the parties to a marriage to obtain a license from a county clerk. Existing law requires a marriage license to contain specific information about the parties to the marriage, including their identity, real and full names, places of residence, and ages.

The bill would also require the marriage license to include a space designated for parties entering into a covenant marriage to indicate their mutual consent by each's signature, as specified. By increasing the duties of county clerks, the bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 351 of the Family Code is amended to
2 read:

3 351. (a) The marriage license shall show all of the following:

4 ~~(a)–~~

5 (1) The identity of the parties to the marriage.

6 ~~(b)–~~

7 (2) The parties' real and full names, and places of residence.

8 ~~(c)–~~

9 (3) The parties' ages.

10 (b) *The marriage license shall also contain a space designated*
11 *for parties who choose to enter into a covenant marriage,*
12 *pursuant to Chapter 4 (commencing with Section 1630) of Part 5*
13 *of Division 4. The parties shall indicate their mutual consent to a*
14 *covenant marriage, including acknowledgment of completion of*
15 *premarital counseling, by each's signature within the designated*
16 *space on the license.*

17 SEC. 2. Chapter 4 (commencing with Section 1630) is added
18 to Part 5 of Division 4 of the Family Code, to read:

19

20 CHAPTER 4. COVENANT MARRIAGE ACT OF 2006

21

22 1630. This chapter shall be known and may be cited as the
23 "Covenant Marriage Act of 2006."

24 1631. (a) For couples that enter into a covenant marriage, a
25 dissolution of the marriage or a legal separation of the parties on
26 grounds of irreconcilable differences shall not be granted unless
27 the requirements set forth in this chapter have been satisfied.

(b) A couple who chooses to enter into a covenant marriage shall do all of the following:

(1) Receive a minimum of three hours of premarital counseling from any of the following:

(A) A clinical social worker licensed pursuant to Chapter 14 (commencing with Section 4990) of Division 2 of the Business and Professions Code.

(B) Clergy or practitioners in a religious institution performing counseling services as part of his or her pastoral or professional duties.

(C) A marriage and family therapists licensed pursuant to Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.

(D) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.

(E) An official representative of a religious institution performing religiously sanctioned counseling.

(F) Any other qualified provider approved by the county board of supervisors.

(2) Indicate each parties' consent to a covenant marriage on the marriage license, along with acknowledgment of completion of premarital counseling.

(3) Receive a minimum of three hours of marital counseling prior to filing for a dissolution of marriage or legal separation from any one of the entities set forth in paragraph (1).

1632. The court shall grant a dissolution of marriage or a legal separation, without a party being subject to the counseling requirement pursuant to paragraph (3) of subdivision (b) of Section 1631, in the event of any of the following:

(a) Spousal abuse.

(b) Commission of a felony.

(c) Adultery.

(d) Abandonment by the other spouse.

(e) Long periods of physical separation from the other spouse.

1633. If a party has completed marital counseling prior to filing for a dissolution of marriage or legal separation, pursuant to paragraph (3) of subdivision (b) of Section 1631, and the party is unable to resolve differences with his or her spouse, the party

1 may then seek a dissolution of the marriage or a legal separation
2 on the basis of irreconcilable differences.

3 SEC. 3. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.